



COMMONWEALTH of VIRGINIA

Executive Department

TO ALL WHOM THESE PRESENTS SHALL COME – GREETINGS:

Judgment was rendered against **Johnathan C. Montgomery** on April 10, 2009, for forcible sodomy in violation of § 18.2-67.1(1) of the *Code of Virginia*, aggravated sexual battery in violation of § 18.2-67.3 (1) of the *Code of Virginia*, and object sexual penetration in violation of § 18.2-67.2(1) of the *Code of Virginia* by the Hampton City Circuit Court. At this time, Montgomery is serving a sentence of 45 years with 37 years, 6 months suspended.

Johnathan C. Montgomery was convicted based on testimony given by his victim 7 years after the crimes were allegedly committed. He has continuously professed his innocence prior to and since his convictions. In recent weeks, the victim has recanted her testimony in full and without exception. She has submitted to an interview in which she explained the motivations for her fabrication and has subsequently been charged with perjury by the City of Hampton Attorney for the Commonwealth. On November 9, 2012, the Circuit Court for the City of Hampton entered an order attempting to vacate and dismiss the three convictions. That order was seen and agreed to by the Attorney for the Commonwealth. However, Mr. Montgomery remains incarcerated based upon the determination that the circuit court order is invalid, because the court did not have jurisdiction to act. Montgomery, through counsel, has begun the process to file a writ of actual innocence with the concurrence of the Attorney for the Commonwealth. As of this date, Montgomery remains in the custody of the Department of Corrections.

On November 19, 2012, **Johnathan C. Montgomery** submitted a petition for a conditional pardon to this Office. The Commonwealth's Attorney has provided a letter of support for his petition in which he states that it is his belief "that Mr. Montgomery is an innocent man – falsely imprisoned as a result of a false accusation and perjured testimony of his alleged victim." In addition to review of the entire petition and its attachments, this Office has thoroughly reviewed the two taped interviews, court records and transcripts, the Department of Corrections' institutional record, and the Hampton Police Department's case file relating to Coast's recantation. Additionally, telephone interviews were conducted with the Commonwealth's Attorney for the City of Hampton and the Hampton Police Department.

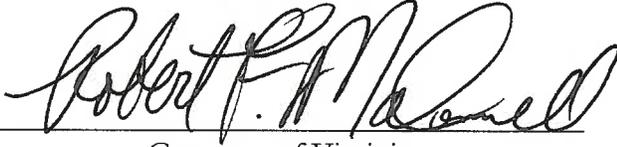
NOW THEREFORE, in light of the record before me and the extraordinary circumstances, in accordance with the provisions of the powers granted to me under Article V, Section 12 of the Constitution of Virginia, I, Robert F. McDonnell, do hereby immediately grant **Johnathan C. Montgomery**, conditional clemency under the continuing supervision of the Virginia Department

of Corrections. Provided, however, that this release on conditional clemency shall be subject to **Johnathan C. Montgomery** accepting the following conditions:

- (1) Within 30 days of release from Greensville Correctional Center he is to file, along with supporting evidence, a writ of actual innocence as provided in § 19.2-327.1 of the *Code of Virginia*;
- (2) He is to remain under the supervision of the Virginia Department of Corrections and is to make contact with the division of Probation and Parole per its instruction;
- (3) If any of the foregoing conditions are violated, a writ of actual innocence is denied by the Court, or **Johnathan C. Montgomery** engages in any criminal activity of any nature whatsoever during this period of conditional clemency, he shall forfeit all privileges provided under this grant of clemency and, in my discretion, shall be subject to immediate arrest and incarceration to complete the term of his original sentence.

Upon issuance of a writ of actual innocence, all of the foregoing conditions imposed on **Johnathan C. Montgomery** are immediately released.

Given under my hand and the Lesser Seal of the Commonwealth at Richmond, this 20th day of November in the year of two thousand and twelve and this 237th year of the Commonwealth of Virginia.


Governor of Virginia


Secretary of the Commonwealth

Acceptance of the Conditional Pardon

I, Johnathan C. Montgomery, hereby accept the foregoing Conditional Pardon in accordance with the conditions therein set forth.

Signature: _____ Date: _____

COMMONWEALTH OF VIRGINIA

City/County of _____ to wit:

The foregoing document was signed before me by Johnathan C. Montgomery this ____ day of _____, 2012.

Notary Public My commission expires: _____

My Commission Number: _____